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10/802,778	03/18/2004	Seiji Harada	011350-327	4682
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
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Office Action Summary

Application No.

10/802,778

Applicant(s)

HARADA, SEIJI

Examiner

Neil R. McLean

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/08/2010 has been entered.

Status of Claims

2. Claims 1-19 are now pending in this application.
- Claims 1, 8 and 14 have been amended.
- No Claims have been canceled or added.

Response to Arguments

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-13 covers both statutory and non-statutory embodiments (under the broadest reasonable interpretation of the claim when read in light of the specification and in view of one skilled in the art) and embraces subject matter that is not eligible for patent protection and therefore is directed to non-statutory subject matter.

"[a] transitory, propagating signal ... is not a "process, machine, manufacture, or composition of matter." Those four categories define the explicit scope and reach of subject matter patentable under 35 U.S.C. § 101; thus, such a signal cannot be patentable subject matter." (*In re Petrus A.C.M. Nuijten*; Fed Cir, 2006-1371, 9/20/2007).

Specifically, the "computer program product" as defined in light of the specification can be implemented by use of "or other suitable media" as disclosed within the Specification at [0079] wherein "Said program can be provided either by a computer readable recording medium such as a flexible disk and a CD-ROM, **or by being supplied on-line via a network such as the Internet.**", and as a result, the claim is drawn to such a recording medium that covers both transitory and non-transitory embodiments. Thus, the claims are not eligible subject matter. It is recommended to amend and narrow the claims to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claims.

Note: A claim drawn to such a method and computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals per se. The limited situations in which such an amendment could raise issues of new matter occur, for example, when the specification does not support a non-transitory embodiment because a signal per se is the only viable embodiment such that the amended claim is impermissibly broadened beyond the supporting disclosure. See, e.g., *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473 (Fed. Cir. 1998).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama et al. (US 6,477,570) hereinafter 'Takayama' in view of Kuroda et al. (US 7,609,400) hereinafter 'Kuroda'.

Regarding Claim 1: (Currently Amended)

Takayama discloses a computer readable medium storing a computer program for causing a computer in a job transmitting device to execute a process comprising the steps of:

1) accepting an input of a processing condition for a job from a user (FIG. 4: STEP S110 'INPUT OF JOB');

2) acquiring status information by the job transmitting device, wherein the status information concerning the status of a job processing device that processes said job (STEP S118; a check is performed to determine whether or not the job can be executed) and is communicatively connected to the computer;

3) judging by the job transmitting device whether said job can be processed by the job processing device according to said processing condition or not based on said inputted processing condition and said status information before transmitting said job to the job processing device (STEP S157 'IS IT OPTIMUM TO EXECUTE JOB ON ONE'S OWN?'; STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT?'); and

4) providing a user with a notification by the job transmitting device (FIG. 17 is a diagram showing an example display for a window proposed to a user) before transmitting said job to the job processing device if it is judged that said job cannot be processed in step 3); wherein

in step 4), if it is judged that said job cannot be processed in step 3) (IF STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT' is 'NO'), accepting at least one of a user's instruction to change the processing condition and a user's instruction to compulsorily

execute the job according to the processing condition before transmitting said job to the job processing device (STEP S165 'PROPOSE PLAN TO ENHANCE JOB OBJECT') (Note: this bypasses STEP 160 'Execute Job', that is to say it is before the job is transmitted).

Takayama discloses substantially the invention of claim 1, however

Takayama does not disclose expressly providing a user with a setup screen to accept through the setup screen an input of a processing condition for a job from the user, the setup screen being provided by a computer program for transmitting the job to a job processing device; and

If the user's instruction is to change the processing condition, providing the user with the setup screen to accept through the setup screen an input to change the processing condition for the job from the user.

Kuroda discloses providing a user with a setup screen to accept through the setup screen an input of a processing condition for a job from the user (Figure 15 Flowchart; 'DISPLAY OUTPUT STATE ON THE BASIS OF OBTAINED INFORMATION'), the setup screen being provided by a computer program for transmitting the job to a job processing device; and

If the user's instruction is to change the processing condition, providing the user with the setup screen to accept through the setup screen an input to change the processing condition for the job from the user (Thus, by processing in step S1504, the output conditions according to the group printer settings can be reflected in the editing window of the editing application (bookbinding application 104), thereby enabling the user to visually understandably recognize the output conditions of a plurality of printers while editing the general-purpose printing file; Column 22, lines 27-32; Also see Figures 19 and 20 where the printing conditions inputted by the user/operator effect changes in the setup screen).

Kuroda & Takayama are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of print control processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to providing a user with a setup screen to accept through the setup screen an input of a processing condition for a job from the user, the setup screen being provided by a computer program for transmitting the job to a job processing device; and If the user's instruction is to change the processing condition, providing the user with the setup screen to accept through the setup screen an input to change the processing condition for the job from the user. The suggestion/motivation for doing so is to enable the user to more easily determine the output destination(s) without performing a troublesome operation as disclosed by Kuroda in the Background of Invention. Kuroda further discloses the need for improving the editing system with respect to the distributed printing system and that substantial room for improvement between the linking of the two systems. Therefore, it would have been obvious to combine Kuroda's setup screen with Takayama's information processing system to obtain the invention as specified to increase the processing speed of a printing system by enabling the user to visually understandably recognize the output conditions of a plurality of printers.

Regarding Claim 2: (Original)

A program as claimed in claim 1, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status

condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 3: (Original)

A program as claimed in claim 1, wherein in step 4), the content of a judgment is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 4: (Original)

A program as claimed in claim 1, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3 (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 5: (Original)

A program as claimed in claim 1, wherein said status information is acquired from the job processing device for each job in step 2) (At step S155 the status of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 6: (Original)

A program as claimed in claim 1, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g.

Print Job Memory Unit 513 in Figure 51).

Regarding Claim 7: (Original)

A computer readable recording medium on which the program as claimed in claim 1 is recorded (The program code or device which performs the function described in Embodiment Nine).

Regarding Claim 8: (Currently Amended)

A job monitoring method comprising the steps of:

1) setting processing condition of a job (FIG. 15 is a flowchart showing the processing for a ninth embodiment. At step S150 a check is performed to determine whether or not a job has been input.);

2) acquiring status information, which is information concerning the status of a job processing device that processes said job (At step S155 the status of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.);

3) judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job processing device (e.g., When, as the result of a comparison of the statuses of the locally owned apparatus and other apparatuses, it is found that the locally owned apparatus is optimal for the performance of the job, program control moves from step S157 to step S158, whereat it is determined that the owned apparatus will perform the job, and at step S159 the job is

performed by the locally owned apparatus as described in Column 13, line 62 – Column 14, line 1); and

4) notifying content of a judgment if it is judged that said job cannot be processed in step 3) (If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15); wherein

in step 4), if it is judged that said job cannot be processed in step 3) (IF STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT' is 'NO'), accepting at least one of a user's instruction (STEP S165 'PROPOSE PLAN TO ENHANCE JOB OBJECT') to change the processing condition and a user's instruction to compulsorily execute the job according to the processing condition before transmitting said job to the job processing device (FIG. 17 is a diagram showing an example display for a window by which an optimal method is proposed to a user).

Takayama discloses substantially the invention of claim 8, however

Takayama does not disclose expressly providing a user with a setup screen to accept through the setup screen an input of a processing condition for a job from the user, the setup screen being provided by a computer program for transmitting the job to a job processing device; and

If the user's instruction is to change the processing condition, providing the user with the setup screen to accept through the setup screen an input to change the processing condition for the job from the user.

Kuroda discloses providing a user with a setup screen to accept through the setup screen an input of a processing condition for a job from the user (Figure 15 Flowchart; 'DISPLAY OUTPUT STATE ON THE BASIS OF OBTAINED INFORMATION'), the setup screen being provided by a computer program for transmitting the job to a job processing device; and

If the user's instruction is to change the processing condition, providing the user with the setup screen to accept through the setup screen an input to change the processing condition for the job from the user (Thus, by processing in step S1504, the output conditions according to the group printer settings can be reflected in the editing window of the editing application (bookbinding application 104), thereby enabling the user to visually understandably recognize the output conditions of a plurality of printers while editing the general-purpose printing file; Column 22, lines 27-32; Also see Figures 19 and 20 where the printing conditions inputted by the user/operator effect changes in the setup screen).

Kuroda & Takayama are combinable because they are from the same field of endeavor of image processing; e.g., both references discloses methods of print control processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to providing a user with a setup screen to accept through the setup screen an input of a processing condition for a job from the user, the setup screen being provided by a computer program for transmitting the job to a job processing device; and If the user's instruction is to change the processing condition, providing the user with the setup screen to accept through the setup screen an input to change the processing condition for the job from the user. The suggestion/motivation for doing so is to enable the user to more easily determine the output destination(s) without performing a troublesome operation as disclosed by Kuroda in the Background of Invention. Kuroda further discloses the need for improving the editing system with

respect to the distributed printing system and that substantial room for improvement between the linking of the two systems. Therefore, it would have been obvious to combine Kuroda's setup screen with Takayama's information processing system to obtain the invention as specified to increase the processing speed of a printing system by enabling the user to visually understandably recognize the output conditions of a plurality of printers.

Regarding Claim 9: (Original)

A job monitoring method as claimed in claim 8, wherein said job processing device is a printing device (e.g., Color Printer BJC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 10: (Original)

A job monitoring method as claimed in claim 8, wherein in step 4), the content of a judgment (Column 14, lines 26-29) in step 3) is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 11: (Original)

A job monitoring method as claimed in claim 8, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in

step 3) (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 12: (Original)

A job monitoring method as claimed in claim 8, wherein said status information is acquired from the job processing device for each job in step 2) (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 13: (Original)

A job monitoring method as claimed in claim 8, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51).

Regarding Claims 14-19:

The rejection of Program and Method claims 1-13, renders obvious the steps of the device of claims 14-19 because these steps occur in the operation of the Program and Method as discussed above. Thus, the arguments similar to that presented above for claims 1-13 are equally applicable to claims 14-19.

Conclusion

Examiner Notes

7. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625